STATE OF COLORADO)
) ss.
COUNTY OF ELBERT)

At a specially held and noticed meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, the **22**nd day of **January A.D**. 2020, there were present:

Rick Pettitt Chris Richardson

County Commissioner

County Commissioner- Not Present

Grant Thayer Amanda Moore County Commissioner Deputy Clerk to the Board

When the following proceedings, among others, were had and done, to wit:

ORDINANCE 20-01

AN ELBERT COUNTY ORDINANCE TO REGULATE CULTIVATION AND PROCESSING OF INDUSTRIAL HEMP WITHIN ELBERT COUNTY, COLORADO; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND PRODIVING PENALTIES FOR VIOLATION THEREOF

WHEREAS, pursuant to C.R.S. §§30-11-10l(l)(e), 30-11-101(2), 301-11-103, and 30-11-107(l)(e), the Board of County Commissioners of Elbert County, Colorado (hereinafter "Board,"BOCC" or "County"), has the legislative authority to manage the business and concerns of the County and to exercise such other and further powers as are conferred by law when deemed by the Board to be in the interests of the County and its inhabitants, and is further authorized by *inter alia*, C.R.S.§§30-28-101, *et seq.*, C.R.S.§§30-28-201, *et seq.*, and C.R.S. §§29-20-101, 29-20-102, and 29-20-104 *et seq.*, to adopt regulations and ordinances in an exercise of their police powers for the protection of public health, safety, and welfare of the inhabitants of Elbert County; and

WHEREAS, the Board has specific authority to regulate and designate matters of industrial hemp production and land use as it pertains to cultivation and to adopt and amend guidelines and regulations for hemp production and cultivation pursuant to C.R.S. §§24-65.1-101, *et seq.*, in Elbert County; and

WHEREAS, pursuant to C.R.S. § 30-11-103, the Board of County Commissioners of Elbert County, Colorado (hereinafter the "Board"), has the authority to exercise all County powers for the Unincorporated Areas of Elbert County; and

WHEREAS, pursuant to C.R.S. § 35-61-101 et seq., a person engaged in the cultivation of industrial hemp holding a registration issued by the State of Colorado Department of Agriculture (hereafter: CDA), and in compliance with all requirements thereof may engage in cultivation of hemp as an agricultural product so long as County requirements are also met; and

WHEREAS, § C.R.S. 30-15-401(1.7) states that "in addition to any other powers, a board of county commissioners may charge a fee for a local license and adopt resolutions or ordinances to establish requirements on businesses engaged in the storage, extraction, processing, or manufacturing of industrial hemp, as defined in section 35-61-101 (7), or industrial hemp products, as defined in section 25-5-426 (2) (g.5)..." and

WHEREAS, Industrial Hemp, or hemp, is defined within § C.R.S.35-61-101; and

WHEREAS, the Board of County Commissioners has determined the Elbert County Community Development Services Director (hereafter: CDS) is appropriately designated as the County's principal entity charged with implementation of all requirements set forth below for industrial hemp cultivators and processors operating within the County and coordination with other elements of Elbert County Government necessary to implement the permitting, inspection, and enforcement of the requirements described below to include zoning and subdivision regulatory compliance; and

WHEREAS, the Board of County Commissioners has directed CDS to create and gain approval of a recording method, and compliance and/or validation process which may utilize CDA registration documents ("Colorado Industrial Hemp Registration Application") and any subsequent CDA documents with the same intent.; and

WHEREAS, the Board desires to adopt this ordinance refining the regulations surrounding land use as it pertains to cultivation and processing of industrial hemp and hereby superseding and revoking all prior ordinances and resolutions or portions thereof inconsistent herewith.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELBERT COUNTY, COLORADO,

Section 1. Title.

1.1 This Ordinance shall be known and referred to as the "Elbert County Industrial Hemp Cultivation and Processing Ordinance," and may be cited and referenced as such.

Section 2. Purpose.

2.1 The purpose of this Ordinance is to promote the general public welfare and safety by imposing and enforcing reasonable and necessary restrictions on the cultivation of industrial hemp and processing of the same in Elbert County.

Section 3. No Non-conforming Use Status.

3.1 No person, business, activity or use involving the cultivation or processing of industrial hemp in the unincorporated areas of the County prior to the enactment of this Ordinance shall be